THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 13803 of 2005

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DATED: 27-07-2005

Between:

K. Anjaneyulu, S/o. Rama Rao,
FPS Dealer, No. 254/NR.No. 923/B, Saibabanagar, Qutubullapur,
Balanagar Circle, R.R. District

..... PETITIONER

AND

1 Special Grade Deputy Collector & Revenue Divisional Officer, R.R. East Division, Goshamahal, Hyderabad & ors Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 13803 OF 2005

ORDER:

Heard the learned counsel for petitioner Mr.V.H.V.R.R.Swamy and the learned Government Pleader for Civil Supplies. With their consent, the writ petition is disposed of at the stage of admission.

Show cause notice dated 13-06-2005 issued by the Revenue Divisional Officer, Ranga Reddy, East Division is impugned in this writ petition. In the said proceedings, the authorization of the petitioner as a fair price shop dealer was

suspended for indulging in clandestine business and for diversion of stocks . The show cause notice also refers to the case under Section 6-A of the Essential Commodities Act, 1955 before the District Collector (Civil Supplies) Ranga Reddy district, wherein, the charge of diversion of stock is stated to have been proved against the petitioner and that the Collector (Civil Supplies) has also ordered for filing a criminal complaint in the concerned police station. Based on these allegations, the petitioner was asked to show cause as to why his authorization should not be cancelled.

The Collector (Civil Supplies) as referred to in the show cause notice, is the Joint Collector of the District. Mr.V.H.V.R.R.Swamy, learned counsel for petitioner refers to the proceedings of the Joint Collector dated 17-05-2005, passed under section 6-A of the Essential Commodities Act, whereby action was directed to be initiated under Section 7 of the Essential Commodities Act by filing a complaint in the concerned police station. The Revenue Divisional Officer, Ranga Reddy East Division was directed to initiate action to cancel the authorization of the petitioner with immediate effect. Learned counsel for petitioner submits that while the show cause notice dated 13-06-2005 specifically states that the in case, under section 6-A of the Essential Commodities Act, the charge of diversion of stocks is proved against the petitioner, a bare perusal of the order dated 17-05-2005, which forms the very basis for issuance of the show cause notice, reveals that no such charge of diversion of stocks has been proved. Since the charge of diversion of the stock has not been proved against the petitioner, as is clear from the order dated
17-05-2005, the very basis for the show cause notice dated 13-06-2005, no longer exists, and therefore, the show cause notice dated 13-06-2005 is quashed. Needless to state that this order will not preclude the respondents from taking action, against the petitioner, in accordance with law.

Pursuant to order of this Court dated 28-06-2005 , the District Collector (third respondent) has filed a counter affidavit categorically stating that care would be taken to ensure that such directions as has been issued by the Joint Collector under the Control order, is not made as part of the order under Section 6-A of the Act. Taking note of this submission, no further action is required to be taken in this regard, more so since the impugned show cause notice dated 13-06-2005 is quashed.

The writ petition is accordingly disposed of. No orders as to costs.

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RAMESH RANGANATHAN,J

27-07-2005

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